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Chair

The Honourable Larry Bagnell

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● (1105)

[*English*]

The Chair (Hon. Larry Bagnell (Yukon, Lib.)): Good morning. Welcome to meeting 119 of the Standing Committee on Procedure and House Affairs. This meeting is being held in public.

I already have two people who wish to speak. The standard line is that Elvis has ieft the room and Christopherson's on the bus. He will be here shortly.

For members' information, Greg Essensa, the Chief Electoral Officer of Ontario, has advised me that he's available to appear by video conference next week. We have therefore gone ahead and scheduled his appearance from 11a.m. to noon on Tuesday, October 2.

As well, a delegation from Kenya will be here at the end of October. They're related to broadcasting. They're going to want to meet with us. If they want to meet with us, I'll do what I always do with foreign delegations and have an informal meeting where anyone who wants to come can come.

Yes, Mr. Nater.

Mr. John Nater (Perth—Wellington, CPC): Mr. Chair, we couldn't hear what was said about Mr. Essensa. Could you please repeat that part?

The Chair: Greg Essensa, the Chief Electoral Officer of Ontario, has advised me that he's available to appear by video conference next week. I have therefore gone ahead and scheduled his appearance from 11 a.m. to noon on Tuesday, October 2.

We were doing the motion last week, and I had two people who had their hands up: Chris and Ruby.

Who wants to go first?

Ms. Ruby Sahota (Brampton North, Lib.): I just want to remind everyone that we have a motion on the table that we'd started debating a little bit.

Does everyone have a copy of the motion? It's being circulated. Perfect.

Now that the motion and the amendment to the motion have been distributed, I want to reiterate, and I think I took a fair amount of time last time explaining—

An hon. member: [*Inaudible—Editor*]

An hon. member: On division.

Mr. David de Burgh Graham (Laurentides—Labelle, Lib.): We're on the amendment.

Ms. Ruby Sahota: We are on the amendment, yes.

I think I took a fair amount of time explaining my reasoning for bringing the motion that I brought forth. After that, John made an amendment to that motion.

I just want to state again and remind you guys that we are not willing to make any amendments until we have set forth the dates for the study, a beginning date and an end date. We want to know when we can start clause-by-clause. Our proposed end date is October 16. Until we have that agreed to, we won't be entertaining any amendments.

I'll hand it over to Chris.

Mr. Chris Bittle (St. Catharines, Lib.): Thank you, Ruby.

I'm just getting frustrated, and I know that a number of people on the committee are getting frustrated because it's just been delay after delay. I tip my hat to the Conservatives for their best attempts to make it look like they're not delaying things, but after submitting dozens of witnesses, many of whom had nothing to contribute, many of whom had no expertise.... I know one was convicted of a criminal offence and was proud of it; one witness they brought in to laugh at. We have no path forward.

This was a campaign commitment. I can appreciate that they may not want to see undone what was done by the Harper government in terms of the so-called Fair Elections Act. However, this was something that we promised the Canadian people we would do. We've heard from the chief electoral officer multiple times and even multiple times on the CEO report beforehand. He's come and testified on multiple occasions that this is a good bill. He has said that it's not a perfect bill, and I'll admit that.

It's time to go to clause-by-clause. There's time to improve the bill. We can make it better. We want to hear from the Conservatives. We want to hear from the NDP, but we have to move that forward. The Conservatives promised us. We had an agreement. As a lawyer, I know that an agreement to agree isn't an agreement, but we entered into a good faith agreement that the Conservatives would come up with a date to start clause-by-clause. We're still waiting for that, so again, there's more delay.

I expect that there's nothing further, that they will again try to rag the puck, drag out the clock and waste another day. It's time to move this forward. The chief electoral officer is here. We've even gone forward. I know that the Liberals would be willing to hear from the Chief Electoral Officer, which is another request. The Conservatives, in an effort to delay, try to make their requests seem reasonable. It's reasonable to hear from the chief electoral officer if he's available, even though we have invited this witness several times. He said that he wasn't available to attend. It was pushed and pushed that we needed to hear from this witness, that we couldn't possibly start until we heard from this witness. Well, we're hearing from this witness. Let's come up with a date.

We have a motion on the floor. The Conservatives are being unreasonable. It's time to push this forward. It's time to get things going. It's time to move things along because Elections Canada needs this to move forward.

I implore the members of the Conservative Party to cease the filibuster. Let's move on with this, and let's get this forward.

Thank you.

● (1110)

The Chair: Mr. Reid.

Mr. Scott Reid (Lanark—Frontenac—Kingston, CPC): Just a word of warning to everybody. You really, really don't want to hear me if I haven't had my morning coffee, and this is the start for me. It's not that you don't want to hear me; it's just that you will have no idea what I'm saying and neither will I. Thank you.

We are, I believe, speaking to Mr. Nater's amendment to Ms. Sahota's motion. I believe that's correct.

Before I get into addressing it directly, I think it would be appropriate for me to respond a little bit to Mr. Bittle's commentary. I do object a bit. I say I object, but I want to be clear: I'm not objecting to Mr. Bittle's sincerity at anything he says; I object to some of the ostensible facts that I think he presented.

He said that some of the witnesses were not very good witnesses. He was harsher than that, a good deal harsher than that. They didn't have anything worthwhile to say, I think was the phrase he used. I don't think we ought to be saying that about our witnesses. At least, I would encourage colleagues, when they actually think that, and I have had that thought myself one or two times in the course of my 17 years here, but I hope I have always expressed that particular thought privately as opposed to publicly.

I actually thought the witnesses on the whole have been pretty good.

I think, as well, that with regard to inviting Mr. Essensa, I don't believe anyone can say there's been any nefariousness in our repeated efforts to get Mr. Essensa here. I think this is either our third attempt or our fourth attempt at that. He's a busy guy.

He was in the middle of an election campaign the first time we called. That's a good reason for a chief electoral officer not to be available. In the aftermath, they have recounts and all the other things that keep a chief electoral officer busy. This is a chief electoral officer for a jurisdiction that has a 100-odd seats in it. He is a busy person.

Most recently, he was quite specific as to why he was not available. He had a very specific reason. He didn't tell us what the meeting was, but he had something on his agenda that he couldn't get out of. We can all relate to that. We've all had those things.

We're finally inviting him back again, and he has accepted. One of our staff, Adam Church, who always has something intelligent to say on every subject, pointed out to me that maybe the reason Mr. Essensa never comes when we invite him is that we always invite him on 48 hours' notice. I kind of agree with that comment.

If you say to me that you're putting on a golf tournament on Saturday, no matter how good the cause is, well, it's Saturday. But if you say we have a golf tournament coming up next June, I'm much more available. Now, I may regret it later when I get there and say I could have used the Saturday for a camping trip. I actually don't like those charity golf tournaments that much.

● (1115)

The Chair: Mr. Reid, could you get to the point?

Mr. Scott Reid: The real point I'm trying to get at here is that....

I had a subsidiary point about charity golf tournaments being nine holes instead of 18, because it takes up less of your day. I think that is something we could all learn from, especially because many of us are involved in organizing these things.

Mrs. Stephanie Kusie (Calgary Midnapore, CPC): Consider the prizes when you're considering which ones—

Mr. Scott Reid: I used to do one myself at one point. To be honest, I actually found what happened was that most of the—

The Chair: That is not really relevant.

Could we go to the point here?

Mr. Scott Reid: Well, the point was to work back to Mr. Essensa, who I don't think was actually at a charity golf tournament. I think he had election-related business that he was dealing with. He will be here, showing that we were right to raise the issue.

This does actually bring us back very, very tightly....

I was going to get here anyway, by the way, Mr. Chair. I appreciate your desire to do things by the straightest path. I feel that sometimes it's important to provide full context. My goal is always to win over my colleagues to my point of view. I'm aware that the method of doing this that is most effective, when I am the person on the receiving end of a similar kind of attempt at persuasion, is to draw upon all the relevant and supporting facts, which is what I'm trying to do.

Mr. Essensa is the subject of Mr. Nater's amendment. Mr. Nater is suggesting that we change the wording of Ms. Sahota's main motion. Her motion reads as follows:

> That the Committee commence clause-by-clause consideration of Bill C-76 on Tuesday, October 2, 2018 at 11:00 a.m.;
>
> That the Chair be empowered to hold meetings outside of normal hours to accommodate clause-by-clause consideration;
>
> That the Chair may limit debate on each clause to a maximum of five minutes per party, per clause; and,

When we return to the main motion, I'll want to dwell upon that point a little bit. It's not that I necessarily think there needs to be a change to the wording, but there just needs to be clarity as to what we mean by the permissive use of language in "may" as opposed to "must".

She goes on to say the following in her motion:

> That if the Committee has not completed the clause-by-clause consideration of the Bill by 1:00 p.m. on Tuesday, October 16, 2018, all remaining amendments submitted to the Committee shall be deemed moved, the Chair shall put the question, forthwith and successively, without further debate on all remaining clauses and proposed amendments, as well as each and every question necessary to dispose of clause-by-clause consideration of the Bill, as well as questions necessary to report the Bill to the House and to order the Chair to report the Bill to the House as soon as possible.

When I look at this....

Well, you know what? I'll wait until we get to the main motion. I'll return to the amendment that Mr. Nater proposed. His proposal is that we amend it as follows. After the words "That the Committee", the first three words of the first paragraph of the motion, we would add in the words "do not". The motion would now read: "That the Committee do not commence clause-by-clause consideration of Bill C-76"....

Hang on. I had my caret in the wrong spot here. The caret is the little thing that indicates where you've added some text in.

After "Bill C-76", he adds in the words, "before the Committee has heard from the Chief Electoral Officer of Ontario".

To be clear, the chief electoral officer of Ontario is available when?

The Chair: At 11 o'clock on Tuesday.

Mr. Scott Reid: Thank you.

Obviously, this would require an adjustment. Assuming we accept this motion, we would have to begin at....

Sorry, is he appearing for one hour or two hours?

The Chair: One hour.

Mr. Scott Reid: The obvious way that one could accommodate this then is by putting this in.

I think Mr. Nater's amendment contemplates the removal of basically everything else, but I can imagine a situation in which what we do is insert the words. This is just theoretical, but we could say, "That the committee do not commence clause-by-clause consideration of Bill C-76 before the committee has heard from the chief electoral officer of Ontario."

We could then continue on with other things that are in the motion as it exists now. That's not how it's written now, but one could actually do that if one chose to. I do have some thoughts with regard to how that might look.

Mr. Chair, this is highly germane, because I'm contemplating the possibility of making a subamendment to that effect. One could, for example, simply have it continue on. You'd have to change the....

Well, here's the minimalist thing that you could do. I'm not sure that I actually advocate this, but you could say, "That the committee do not commence clause-by-clause consideration of Bill C-76 before the committee has heard from the chief electoral officer of Ontario, and that the committee commence clause-by-clause consideration on", and you can put the minimal time in, although I'm not sure I'm actually advocating this, "October 2, 2018 at noon."

What I'm trying to do is—

● (1120)

Ms. Ruby Sahota: Just talk it through.

Mr. Scott Reid: I don't want to move to a discussion of a subamendment unless I've thought it through carefully and made sure that it makes sense and deserves the attention of the committee.

Then it would continue on about operating outside the normal hours to accommodate clause-by-clause consideration, which can be incorporated regardless of when the start time is.

I would say that I think some people might have reservations about this without some kind of limitation as to what is meant by "outside of normal hours". I suspect that you would find a greater willingness from members of all parties to accommodate "outside of normal hours" if it is on normal sitting days. It's one thing to sit late into the evening on a Tuesday or Wednesday, or even a Thursday. It's an entirely different matter to do so on a day of a week when people thought they were going to be in their constituencies. That would impose a considerable and unreasonable burden on members of the committee, so that's a relevant consideration.

"That the Chair may limit debate on each clause to a maximum of five minutes per party, per clause" means, effectively, 15 minutes. I suspect with regard to this one—and colleagues should listen to see if they agree with this—that a realistic guess is that if one party wants to extend the debate on some point, and it's only one party, we'll find actually that it isn't practised, and it won't be five minutes per party; it'll be five minutes and then no one else will take the time, so it's actually five minutes per clause.

I think you will find that there's actually a genuine concern over the wording of some clauses, which can happen with a technical bill like this one, especially if an amendment is being considered. We'll find that there will be some kind of indication, and I would want to suggest that in such a circumstance, if the chair senses that this is the case, then the chair exercise his discretion to allow on that particular clause a greater amount than five minutes per party.

The way you do it is to see the other parties are feeling about this, right? It's at the chair's discretion, so you could say, "Two of three want it; that's enough." You could say, "No, I want to see, essentially, a consensus, unanimity." That then becomes a kind of version of what we informally call "the Simms rule", after our colleague who developed a way of getting around some of the highly formalistic restrictions that can exist here, as long as there was a will from all sides to do so. It didn't supersede the Standing Orders. It provided a bit of breathing room within the space of the Standing Orders that could be reimposed at any time by the simple expedient of any member of the committee saying, "We should be moving on here. We don't want to cede the floor that way." That was very effective, and this could be effective, too. I actually think this is a pretty good clause.

Then there is the last part, moving to clause-by-clause for anything that's left by 1 p.m. on October 16. Presumably the point of doing it at that time is that we're just going through however many clauses we have left, and it takes a maximum of a minute each at that point, probably less actually, maybe 30 seconds each. We could go through relatively quickly so that we could, I think, be done by that evening.

This is the government's bottom line, isn't it? The government's bottom line ultimately is that it wants to have this thing moved by October 16. Presumably, if you're going through it at that speed, it's by October 16 at midnight. That's what the government is after.

The question is, given that, how important other things really are. The goal I would suggest is to have some kind of way that allows us to have witnesses such as Mr. Essensa and still come up with some kind of global list that the government move on.

● (1125)

That's the direction in which I think I'd like to go with a subamendment. I think Mr. Essensa's testimony is great, so let's start. I'll make a simple subamendment to this effect, that we simply.... Hang on and let me see if this works: that the committee do not commence clause-by-clause consideration of Bill C-76 before the committee has heard from the chief electoral officer of Ontario on Tuesday, October 2, 2018, at 11 a.m. I'm adding those words back in.

I wonder if I should deal with more than one topic at a time. Maybe I should just stop by putting those words in. Then I can come back once we've dealt with that and suggest a further one. If we adopt that, we can then come back and deal with a further subamendment that I'd like to consider, but I think if I get into too many things at once it will be a problem. What I'll do is put in that adjustment on the time at which he's coming, and then we'll go back to the main motion, or rather, to Mr. Nater's motion, and I'll have a further subamendment to suggest at that time.

The Chair: We have a subamendment on the table to add to Mr. Nater's amendment the time of 11 a.m. on October 2.

Is there any debate on the subamendment?

Mr. Nater.

Mr. John Nater: Mr. Chair, I want to begin by making a few comments in relation to what I've heard around the table thus far this morning.

Ms. Ruby Sahota: This is only on the subamendment.

Mr. John Nater: It's germane to the subamendment as well, which does state that the chief electoral officer is joining us next Tuesday at 11 a.m. I'm looking forward to that. That is what I've been advocating for since the beginning of the study.

● (1130)

Mr. David de Burgh Graham: I hope you have some amazing questions for him.

Ms. Ruby Sahota: Yes.

Mr. John Nater: I wouldn't say "amazing"; I would say they're appropriate questions, questions that are directly related to this bill, particularly as they relate to third parties. That's a major component of this bill, and it's a major component of where the Liberals—provincially—went with their bill earlier this year, and the results of that election....

I couldn't not address the one comment made by Mr. Bittle about one particular witness, that we had the witness here just to laugh at. I don't accept that.

Ms. Ruby Sahota: But you laughed.

Mr. John Nater: No. Actually, I wasn't here for that meeting. My daughter was born that week. I did, however, read the transcripts.

I believe the person in the comment was Mr. Turmel, who holds the record for running in the most elections. He hasn't won, but the interesting thing that came out of his testimony, actually, was a concrete comment. One was about the audit threshold. That was a worthwhile comment. His observation was that it doesn't take much to reach that audit threshold, and that if you're a minor candidate, an independent candidate, as he is, even though he often runs under the Pauper Party umbrella, that's a significant challenge.

To say that certain witnesses are here just to laugh at, I have a concern with that, and I don't think we need to be diminishing someone in that sense. I have to give credit to anyone who puts their name on a ballot, and for someone who has put their name on a ballot as much as Mr. Turmel has, I mean, credit where credit's due.

Mr. David de Burgh Graham: I thought it was Arthur Hamilton.

Ms. Ruby Sahota: He thinks there was a different witness.

Mr. John Nater: Well, perhaps there were other witnesses as well. As I said, I did miss three meetings that week, I believe, when our daughter was born. I wasn't here, so I relied on the blues and the meeting transcripts at that point.

I'm going to make another comment for no apparent reason other than the fact that it's happening as we speak. The cabinet is currently meeting. I believe they meet until noon, so that's an observation that I'm just going to point out. The cabinet is currently meeting as we speak and, hopefully, there may be some information that comes out of that cabinet meeting when the time comes. That will be right around lunchtime. There might be a nice break at that point for a quick sandwich or something around then.

Ms. Ruby Sahota: Do you think it will be in relation to third party...?

Mr. John Nater: I wouldn't want to speculate what comes out of cabinet. I don't get invited to those meetings. I don't know why; I'd love to sit on all of them.

Mr. David Christopherson (Hamilton Centre, NDP): We'll all go.

Mr. John Nater: My invite must—

The Chair: Okay, back to the amendment.

Mr. John Nater: I think it is germane in the sense that we will wait with anticipation for that.

In relation to this, I think it's appropriate that we hear from the CEO of Ontario, and begin the process.

I don't think anyone wants to see us taking up time and wasting our time. There are other matters this committee needs to and ought to deal with.

An order of reference that has come to this committee is a prima facie question of privilege in the House related to Bill C-71. As we take up time with the study of this bill, that is a matter that is being pushed off. We do want to see that come before the committee. Within the House of Commons a question of privilege takes priority over all other matters of business. I believe the same ought to be true in committee, so I am eager to see that come before this committee within the foreseeable future.

Related to this committee study, we all received from the clerk a request to appear before this committee from the CNIB, the Canadian National Institute for the Blind. I think it's rather appropriate that we received this request when we did. As members know, this week and earlier last week, we were debating Bill C-81 in the House, known as the barrier-free Canada Act, the accessible Canada act. It was adopted yesterday in the House of Commons shortly after question period by unanimous consent, I believe. I wasn't in the House, but there were no bells, so I assume that either five members didn't stand or it was by unanimous consent. It was nice to see that bill go to committee. I think it's a worthwhile discussion we need to have, although I'm sure there are some concerns.

I think it's appropriate and germane that the debate was occurring when we did receive this request. I would hope that this would be something we might be able to accommodate before going to clause-by-clause.

Ms. Clarke, a government relations specialist from the CNIB, does request to appear specifically on Bill C-76. They mentioned they're celebrating 100 years in 2018. I think 2018 is a special year for 100th anniversaries. It's also the 100th anniversary of the end of World War I. I'm not positive, but I believe there was a connection to the CNIB's founding and those veterans coming home from the First World War with visual impairment because of the war. I do think it's appropriate that we hear from them.

One of the lines in the request.... As someone whose mother-in-law uses a wheelchair—she lost her right leg to amputation about 15 years ago following an automobile accident—I think applying a disability lens to legislation is important, particularly when we're talking about elections.

I was pleased with the efforts that Elections Canada made in the 2015 election to make voting locations accessible, or as accessible as possible, at least for those with mobility issues. There are other disabilities that are not necessarily always as—

● (1135)

The Chair: Mr. Nater, I don't mean to interrupt, but the subamendment is just adding a date to your amendment. Could you just comment on adding a date to your amendment?

Mr. John Nater: Absolutely. I think it's germane, because it does put a date on when the CEO is attending. I think it's appropriate that at that time we hear from the CEO on the matter that is before this committee, which is, of course, Bill C-76.

I would leave it on the record and leave it on the table that we do have this request outstanding from the CNIB. I think it would be worthwhile to hear from the CNIB perhaps for the second hour, and perhaps from some other advocacy organizations related to those with disability issues. I think it's worthwhile. It think it's potentially beneficial.

On the subamendment and on what we're talking about, we're setting a date to hear from the Ontario chief electoral officer. My colleague Mr. Reid expressed his comments on the other components of the subamendment in terms of the effective time and location on motions. I think we will leave that to a further subamendment perhaps from colleagues or from colleagues across the way.

Specifically on the CEO, what we're looking at here is hearing from a gentleman who has experienced so many of these changes first-hand and recently. He has run an election very much based on certain amendments that we are now foreseeing in this piece of legislation.

The direction that was taken by the provincial Liberals in their 2016 amendments related very closely to some of the overlap we're seeing in Bill C-76—not identical—so we hear from the CEO next Tuesday at 11 a.m. and hear him talk about those amendments and where they have gone.

In particular, one of the things we've talked about at this committee on which they could comment exceptionally intelligently is what we're calling the register of future voters. The provincial government also made an effort to go down that route calling it a provisional voter register for those who are 16 and 17 years of age. It would be interesting to hear the comments from the CEO on how that has worked and how they have gone about doing that. Interestingly, in their case, a person who is not yet a voter who is under the age of 18 has the option to withdraw from the register at any point in time. I find that interesting that it's—

The Chair: Mr. Nater. We're adding a date to your amendment. Are you in agreement with the subamendment?

Mr. John Nater: I think it's germane that it reflects what he will talk about at that point in time.

The Chair: Everyone has agreed that he's coming, so we can find that out then.

● (1140)

Mr. John Nater: I still think it's worthwhile to expand on what he will be talking about at that point in time. I think the future register of voters is something that is interesting.

On our side, we've expressed some concerns about privacy issues. I think we heard a guarantee from the Chief Electoral Officer last week that information would not be shared with parties. It will be for internal Elections Canada purposes only. I think that's a strong component.

We've heard comments before about whether or not parental consent might be required for those who are below a certain age. That's something to work out to ensure there are proper safeguards on that. The advantage that the CEO will be able to talk to when this is brought forward is how this will contribute to ensuring that those who are 16 and 17 are automatically added to the permanent register of electors of Ontario when they turn 18.

I think it's worthwhile to have that discussion and see how we can go about ensuring that those who are younger.... I remember hearing testimony during the electoral reform committee which said that, when you vote for the first time in your first available election, you are more likely to vote in elections after that. So having an elector vote for that first time when they turn 18 is worthwhile.

Certainly, many who are 18 are still in high school. Some will be in college and university. Depending on the date of an election and when the election falls within the four-year election cycle, they may be beyond that point and in the workforce, in trade school or in some other kind of establishment.

Ensuring that there are options to encourage voters to vote when that point in time comes I think is important. Hearing the chief electoral officer comment on that would be important, and hearing him comment on that at 11 a.m. until noon on October 2 of next week I think would be worthwhile. Interestingly, October 2 is the day after October 1, which is also National Seniors Day, which was something that our friend and colleague Alice Wong, former minister —

Sorry?

Mr. David de Burgh Graham: Are you calling the CEO a senior?

Mr. John Nater: No, not at all, but a senior is certainly someone —

Mr. Scott Reid: Well maybe.... I have no idea. We'll find out when he gets here on October 2 at 11 a.m.

I could look it up before then.

The Chair: Well, I guess it is relevant that October 1st comes before October 2nd then.

Are you saying you're in agreement with the subamendment?

Mr. John Nater: Again, I think from the seniors perspective, something we need to consider, as well, is how teenagers—

The Chair: Mr. Nater.

Mr. John Nater: Yes, Chair.

Ms. Ruby Sahota: There are a lot of people on the list.

Mr. John Nater: Oh, okay.

Well, do you know what, Chair? I do think there are others who want to specifically comment on adding this date, so perhaps I'll leave it to the next person on the list and come back and speak on a further intervention.

Thank you, Chair.

The Chair: On the subamendment, please be disciplined and comment on adding the date to the amendment, because that's all the subamendment is.

Is there further discussion?

Mr. David Christopherson: It's good of you to stay in the real world.

The Chair: We're ready to vote on the subamendment which would add the date to the amendment.

Are we not ready to vote? Are you going to speak?

Ms. Ruby Sahota: No, no, go ahead. Let's vote.

Mr. Scott Reid: Mr. Chair, I wonder, given the importance of this subamendment, if we could have a recorded vote.

The Chair: We will have a recorded vote.

(Subamendment negatived: nays 5; yeas 4)

The Chair: Now we're back to the amendment, and we have a speakers list.

Mr. Scott Reid: Am I on it?

The Chair: No.

Mr. Nater, it's on your amendment.

Mr. John Nater: Chair, to clarify, we're moving back to the original amendment, which states that we will not move to clause-by-clause until such time that we hear from the chief electoral officer. Again, I go back to the importance of this. Until we've heard from the CEO of Ontario, whose amendments in 2016 were implemented in the election of June 2018...I can foresee amendments coming out of that. I can foresee changes to this legislation coming out of the CEO's testimony.

In the same way, we will be hearing from the minister later this afternoon, at which point I would hope she would be able to come before us and suggest where she sees that amendments are appropriate.

We're still very much at the point where we are close to clause-by-clause. I think we are exceptionally close to clause-by-clause, and I think we are eager to see that happen at the appropriate time. However, we haven't quite reached that point yet, because we need to hear the information that will be brought to us by Mr. Essensa, the chief electoral officer of Ontario, and by the minister herself when she comes before the committee this afternoon at 3:30.

When I was speaking to the subamendment, Chair, you were eager to see me move along from that, but we are back to the point where this is germane. We need to hear from the CEO before we move to clause-by-clause, because of the very specific and deliberate changes proposed by the Government of Ontario in 2016 and implemented in 2018.

What I find interesting, because our Conservative party in previous Parliaments implemented fixed election dates—

● (1145)

Mr. David de Burgh Graham: And then ignored it.

Mr. John Nater: And then followed it in 2015—

An hon. member: On a fixed election date.

Mr. John Nater: Yes, on a fixed election date.

Mr. Scott Reid: There may be a series of ironies relating to that.

Mr. John Nater: Ironies abound in politics.

Mr. David Christopherson: This political senior is going be reminding you that—

Mr. John Nater: But not a senior who can be recognized with your youthful age there, Mr. Christopherson.

I'm not ready to recognize you on National Seniors Day quite yet, which again is on Monday, which will be—

Some hon. members: Oh, oh!

Mr. David Christopherson: Well done.

Mr. John Nater: That's the day prior to October 2.

Interestingly, something that was foreseen in the Ontario reforms and that was not addressed in Bill C-76 in the federal legislation was changing the date of the fixed election date. Like the federal fixed election date, the provincial fixed election date was scheduled for the first Thursday in October, which in most cases would be immediately prior to Thanksgiving. Those hours and those dates were changed to the first Thursday in June. I'd be curious to hear from the chief electoral officer on why that change was made. What was it about October that wasn't appropriate? What made it more appropriate to move it to a June date?

Certainly at a federal level in the past there have been dates throughout the calendar year, including one in January 2006. I remember that the door-knocking in that campaign wasn't always the most enjoyable, but with a good toque it worked out. It would be interesting to hear from the CEO on what considerations went into that.

It would also be interesting to hear what considerations were made by the CEO in running an election in October versus June, and June versus October, particularly in terms of locations and having the availability of space. Whether it's early June or early October, schools—public schools, elementary schools, high schools—do have classes on Mondays and Thursdays. In either of those cases, whether it's a federal or provincial election, school is in session, so the availability of schools for those things isn't really affected in either case. I would be curious to hear about that, especially when we look at comments in terms of advance polling. In October with the Thanksgiving weekend, you do run into holidays from a federal perspective but not so much provincially. Again, you have the Victoria Day weekend, which falls a couple of weeks prior to the provincial fixed election date, which has an impact.

I'll go back to the timing and the consideration that has to be made. I can recall that in the 2005-06 election, the Elections Canada offices were open on Christmas Day for those who wanted to vote by special ballot. I think that's an interesting conundrum and an interesting challenge as well that we can foresee in Bill C-76 with the date of a maximum length of a writ period—in the case where a government in a minority situation falls at a certain point—whether it be in late November or into December, and how that overlaps with a holiday period. A Christmas election is a challenge.

Certainly, when Paul Martin called that election in December 2005, it was a significant time lag that allowed the CEO and—

● (1150)

The Chair: Mr. Nater, we're just deciding on whether the.... On your amendment on whether the chief electoral officer is coming, he's already coming. It's already a *fait accompli*.

Mr. John Nater: Yes, but it leads into why he's coming prior to commencing clause-by-clause and what information we need to hear from him prior to going into clause-by-clause and prior to debating many of the amendments.

The Chair: You can ask him that when he's here.

Mr. John Nater: I'm looking forward to asking him, but I think it's worthwhile for those around the committee table to know why I feel it's so important to hear from the CEO prior to going to clause-by-clause. Certainly the timing and the fixed election dates play into that as well.

Another issue that was proposed in the 2006 reforms and then implemented was a modernization process. That is not foreseen in this current bill. It's not foreseen at this point in time, but I'd be curious to hear from the CEO on whether that's something we should be considering as an amendment within Bill C-76, and to hear about the successes or challenges there were with that, both in their by-elections and election period itself. I want to compare this with what was said by our Chief Electoral Officer about the importance of piloting proposals in by-elections before implementing them writ large. He suggested that when it came to poll books, he was not comfortable piloting that yet in by-elections, which are likely to happen this fall. That's unless we go into a snap general election this fall, which is always a possibility. At any rate, he wasn't prepared to do that.

I think that's an appropriate and diligent approach to that, because one does not want to pilot something that could have a significant concern. In the provincial example, I look forward to hearing from Mr. Essensa on how piloting the electronic tabulators in the provincial by-elections worked or was a challenge, and then how that rolled out into a general election. Certainly the by-election—

Ms. Ruby Sahota: That's not even in our legislation.

Mr. John Nater: No, but it's something we could consider as an amendment to the legislation to see where that heads. It's germane to what the CEO was talking about with regard to the poll book suggestion, which also isn't in legislation but does relate to the ability of Elections Canada to work into this process. Certainly they use the example of the Whitby—Oshawa by-election to run that. That was the first opportunity they had, and I believe it was relatively successful. I remember watching those results come in quite quickly, and then it was implemented in the election.

We noticed at the time, and certainly in the election, the speed with which that occurred, with relative success, but it would be interesting to hear from Mr. Essensa about what challenges they had, especially when using a private contractor to undertake that work. I believe Dominion Voting Systems was the entity. It has undertaken to do that. Dominion is certainly a well-known company across Ontario, running their elections at the municipal level. In my constituency, I have nine municipalities, and two county governments have undertaken work with Dominion for online and telephone voting, and have done so with general success in terms of municipal elections. Hearing from Mr. Esssensa on Tuesday about how that has been undertaken would, I think, be worthwhile.

Canadians are changing how they do business, how they do their banking and how they do their shopping. More and more often these are being done in a variety of ways, whether it's online or by telephone interaction and they are not necessarily going in person to do many of the tasks they did in the past. That's not the direction Elections Ontario has taken. They've taken an electronic tabulator, but it's certainly a step towards additional automation.

I look forward to hearing Mr. Esssensa comment on the labour side of things. Ensuring that there's an appropriate number of poll clerks and deputy returning officers at each polling station to effectively run an election is a challenge. I know in my constituency, in Perth—Wellington, we have an exceptionally low unemployment rate. Ensuring that we have enough people to fill the jobs that are available on a full-time basis is a challenge in itself, but filling those jobs in a short period of time is its own challenge. Despite the fact that the jobs are relatively well remunerated, it is difficult to find people to commit to what is a long day. Twelve hours of voting is one thing, but then there's the additional time to open and close the poll and tabulate the votes at the end. Finding an appropriate amount of labour to make that happen is a challenge. There's no question about that. Hearing from Mr. Essensa on how that has worked and what issues they've had in terms of implementing that would be germane and appropriate when that happens.

Another thing was foreseen. Again, this is not a matter that applies necessarily to a riding like mine, which is relatively rural, although we do have mid-sized urban areas. Stratford would be the largest city in my riding, at 32,000 people. All the others are smaller towns under 10,000. One of the challenges was the opportunity to attend multiple-residence buildings, such as condo buildings and apartment buildings, in smaller communities. I've never had a challenge entering those multi-unit buildings, but there are often challenges with that.

The provincial legislation saw the authority of the CEO to issue fines to the owners of these buildings if canvassers are denied access to them. It would be an interesting commentary to hear from the CEO as to whether that's something we should be foreseeing in the amendments to Bill C-76, to have some form of enhanced ability. Certainly the current legislation provides that candidates and their agents are permitted to attend multi-unit buildings, but being able to enter those or having some kind of fine or sanction for those buildings would be worthwhile.

We should have that conversation with Mr. Essensa to hear what his thinking is and whether that has been successful and whether or not he's had to use that power and authority that's been given to him. Therefore, I look forward to hearing that commentary on October 2, from 11 o'clock until noon when Mr. Essensa joins us.

● (1155)

Another important observation that comes out of the provincial legislation on which I look forward to hearing from Mr. Essensa is the way in which the legislation itself affected the boundaries, especially when it came to representation in the north.

Mr. Chair, I don't need to tell you, from your perspective, that Yukon is significantly larger than a riding such as mine of 3,500 square kilometres, which I feel is large, certainly not in relation to yours but in relation to a Toronto riding or a Montreal riding, which is a number of subway stops or blocks, where certainly a different type of representation is needed.

In the provincial legislation, they foresaw how to make recommendations on their boundaries and suggested that an additional two electoral districts be added in the Ontario north. Certainly this isn't something that's foreseen within our legislation. Certainly when it comes to boundary commissions, I would suggest that we have taken great pains at the federal level to ensure that, in terms of the electoral district, the boundaries commissions are undertaken in a way that tries as much as possible to do so without political influence, which I think is appropriate. It provides the Speaker of the House of Commons with the authority to appoint certain members of those boundaries commissions to undertake that, but it could be something that we ask the CEO about in terms of the appropriateness of legislation enhancing the representation in rural and particularly northern communities.

As well, in this specific example, the Kenora—Rainy River and Timmins—James Bay ridings both had large indigenous populations, so the commentary at the time was that this would provide the additional opportunity for enhanced representation for indigenous communities. That is something again on which we could hear from the CEO in terms of whether that enhanced representation has been effective and whether he has some suggestions for our elections act at the federal level, ways in which we can ensure that indigenous community members are able to and have full participation in our electoral system. In this case, these ridings were of significant northern capacity. They were still very large areas but with a much smaller population than others would as well.

That brings me to one of the most important points that I really think we need to hear from the chief electoral officer of Ontario on, and that has to do with the way in which third parties operate within a federal system. We've gone through the election provincially with these changes in place, with these new limits, with the need to register. In fact, at the provincial level as well, third parties are now also required to register. We won't be hearing from municipal representatives, but it would be nonetheless worthwhile to consider that as we go about the commentary and the discussion on where we go.

The interesting component here is that third party influence on elections has, especially in the last two and a half years, become a major discussion point not only in Ontario, not only in Canada, but internationally. No one wants to see foreign influence, or undue foreign influence, at any level in any country. We do not need to have any commentary or even a hint of a hint that a foreign influence could be having a role in our election process. The ongoing discussion in the United States about the foreign influence from Russia on the 2016 presidential election is not a discussion we want to be having here. We need to ensure that our rules, our laws in Canada, are as strong and as strict as possible for us to ensure there is not that influence.

● (1200)

Looking at the Ontario example, and looking at what I hope to hear from Mr. Essensa, it's specifically the way in which this third party rules, this third party process, was put in place during the election period and the time prior to the election period, as well. Currently in the federal legislation, there are different considerations, whether it's during the writ period, during the pre-writ period or not during the writ period, of the way in which third parties can operate.

What I find interesting from the provincial component and where Mr. Essensa will be able to provide pertinent commentary is that prior to the introduction of this piece of legislation, there was no limit on what could be spent on advertising before an election period. That's a concern. That's a concern when you have deep pockets that can influence an election by running ads and by paying for paid advertisers and paid workers during an election campaign and in the time prior to the writ period, as well.

When this change was implemented, the limit on third parties was a maximum of $100,000 during an election period, and no more than $4,000 within a specific electoral district. Even $4,000 in any given electoral district, I think, is high. Four thousand dollars' worth of advertising in any given riding could have a substantial impact, especially if we're not entirely clear where that funding is coming from and whether there is some foreign influence.

One of the things on which we heard testimony was the need for anti-collusion measures to ensure there's not a close association between multiple third parties. That's where my concern lies as well. If you have multiple third parties each running four thousand dollars' worth of ads in any given electoral district, you're looking at a major concern, especially when political parties are capped very stringently in terms of how much money they can spend in any given electoral district. Looking at the upcoming election, that's just shy of $100,000 in a given riding per registered candidate. That's a concern.

We should hear from Mr. Essensa in terms of how those limits were implemented and how they were enforced. I think that's one of the concerns we've heard from witnesses and from Canadians, as well: that it's well and good to have limits, to have limits on third parties, to have limits on foreign influence, but if it's not clear how these rules are enforced, if it's not clear that they can be enforced in some situations, then we have major concerns. To hear from Mr. Essensa, hear his commentary on exactly how that will be undertaken, I think, will be exceptionally interesting.

In the legislation prior to its introduction in 2016 and its implementation for 2018, there were no rules about whether third parties could collaborate on political advertising campaigns, and a very few of them working with political actors, to get around campaign finance regulations. That's a concern. Something I would be very intrigued to hear about from Mr. Essensa is whether he's aware of examples provincially, prior to the introduction of the bill, where political parties were working with third party organizations to coordinate a message, to coordinate a strategy in terms of working toward a common outcome, but in a way in which the campaign finance regulation was being subverted and people were getting around the rules.

● (1205)

On the anti-collusion measures that are envisioned in the provincial legislation, I think it would be worthwhile to hear his commentary, and then hear suggestions about the way in which, at the federal level, when we are reviewing the amendments, we can work to ensure that we have strong anti-collusion measures, as well. No one wants to see a system in which political actors, parties or party candidates are working very closely with third parties to get around the spending limits and spending caps. I'll be intrigued to hear from Mr. Essensa in terms of where things can happen and where things can go from there, as well.

Most of us around this table at one time or another have been candidates for a nomination. We've had to run for the nominations for our specific parties and then win those nominations. Sometimes members are required to win multiple nominations as different elections come on. We've seen that in different political parties.

One of the things that I find intriguing with the provincial example is that prior to the changes, there were no limits on how much a person could give to a nomination contestant. Substantial amounts of money could go into a nomination contest and could effectively be used as advertising for a general election, but under the auspices of a nomination race. It allowed those running for nomination in political parties to substantially influence an election campaign prior to the actual election campaign simply by having a delayed nomination contest, especially in situations where there was a tight riding where that added spending limit could be done with no limits on either the contributions or the spending. Games could be played, but that was something that was cracked down on within the legislation that was foreseen.

Now individuals can only give up to $1,200 to association and nomination contestants of a party annually, aligning it with the amounts that can be given to a political party or to a nominated candidate. As for the amount of money the contestant can spend, that's been capped at 20% of the candidate's spending limit in an electoral district in the previous election. In a riding where there's about a $100,000 spending limit, which is generally about where spending limits are—a little less in some ridings and a little more in others, depending on the size and the population—you're looking at a $20,000 limit for a nomination contestant. Again, it's not an insignificant amount of money, but it's still substantial enough that you're looking at a way in which the money can be spent. However, it nonetheless affects how that is undertaken.

More generally, in terms of financing, again, something that Mr. Essensa can comment on, especially as it relates to our legislation, is the amount of money and how it is distributed to political parties. In one sense, the provincial government was behind us federally in terms of how parties are financed. Until very recently, corporations and unions could make political contributions. Certainly in Canada that practice has been banned for many years. Initially the limits were reduced under former prime minister Jean Chrétien, but certainly they were banned altogether as one of the first acts by former prime minister Stephen Harper when he took office in 2006. This certainly changed the ways that parties fundraise and the ways that parties finance their election campaigns. I think that's a worthwhile conversation that needs to be had.

I find it interesting that prior to that change provincially, an individual could donate as much as $33,250 in any given election year by making the changes throughout the different levels—to the party, to the electoral district, to the nominated candidate—in a particular by-election. There are these situations in which, in each case, they can be making these donations. Hearing from Mr. Essensa in terms of how that has come to play and how that has happened would be worthwhile.

● (1210)

More generally as well, in terms of his contribution to our studies at hand, is the way in which funds are raised. We've certainly seen provincially what has been referred to as cash for access fundraisers. Provincial ministers were, at the time, given quotas of how much funding had to be raised in a certain time. These funds were raised by directly advocating and asking for contributions from those who may lobby or hope to do business with a provincial ministry.

The changes that were undertaken by the provincial government were what some would consider very strict, some would say draconian. Rather than addressing the problem of decision-makers being influenced by financial contributions, there was a movement to, effectively, ban all political actors from attending fundraisers, with few, if any, exceptions. This applied to pretty much anyone other than staff, which I found interesting. A chief of staff to a senior cabinet minister could attend, but a nominated candidate in a riding that is unlikely to go to a certain political party is banned from attending a fundraiser.

There's been interesting commentary on that. Interesting commentaries were that cardboard cutouts have been used in place of an actual member or minister attending a fundraiser.

● (1215)

The Chair: Mr. Nater—

Mr. John Nater: It's germane to this topic at hand, because it talks more generally about ways in which funds are raised, whether it's through political parties or to third parties within this, and may provide Mr. Essensa, who's coming on October 2—

The Chair: There are just a couple of things, Mr. Nater. First, I think that's related to another bill that we have discussed, so it's not as relevant. Second, I'm just curious. You began by outlining a lot of important work the committee has to get to. I'm wondering if you think that speaking ad nauseam for a witness to come, who's already agreed to come, and we're all agreed is coming, helps move us quickly toward that.

The other thing I'm getting confused about is that I thought we agreed on Tuesday to set a date to go to clause-by-clause. The committee members all agreed. I'm not sure how we didn't actually set a date.

Mr. John Nater: That's certainly an interesting observation. It's important that we discuss this bill. It's important that we recognize, as well, that there are discussions happening on this bill, in places that are not in this committee. I think that a sign of good faith from all sides is, hopefully, forthcoming. We've been very clear on our side, to the minister directly, to the parliamentary secretary, of certain concerns we have, particularly as they relate to third party financing and foreign influence.

We do have a bill before the House of Commons—I believe it's Bill C-406—which directly deals with foreign influence. That's not dealt with as strongly as it should be in this bill.

We need that show of goodwill. There have been discussions going back and forth between our shadow minister and the minister for the past five to six days, since last week.

Ms. Ruby Sahota: Do you know if they're on that subject matter?

Mr. John Nater: I was not privy to those meetings, but I know those topics are going back and forth. I'm hopeful that perhaps the minister is currently in the cabinet meeting as we speak. I'm hopeful that perhaps there may be word sent down at some point that we could very much go ahead with where we're going. Certainly, from our side, we've expressed our concerns about where we stand on this bill.

We recognize that in this committee there are three of us. There are 96 or 97 of us in the House of Commons. In the same way, Mr. Christopherson is one on this committee, he's one of 44 in the House. We do not have a majority, as the government does. The government will pass its legislation, one way or another. It has the tools at its disposal to do so. We do not. We do not have those same tools. Our only tools are persuasive arguments that Mr. Reid and Ms. Kusie can make, mine being less persuasive, and the element of time.

[*Translation*]

Ms. Linda Lapointe (Rivière-des-Mille-Îles, Lib.): That's alright, you can continue.

[*English*]

Mr. John Nater: I was going to say something in French, but I'm not going to try it. I do not practise my French quite as—

Ms. Ruby Sahota: I would like to make a one-minute rebuttal, and I'll give the floor back to you.

Mr. David de Burgh Graham: At least you are admitting it's a filibuster.

Ms. Ruby Sahota: Yesterday I reminded you that this motion I brought forward that you are making an amendment to probably seemed eerily familiar to yours. When passing Bill C-23, you brought forth a very similar bill. I have to remind you that at that time all other parties in Parliament had a lot of issues with many of the clauses in that piece of legislation, but none of it mattered.

Now we have support from three parties in the House on this piece of legislation, yet time and time again they've been stalling, and many tactics are being used on the other side. They've been stalling the bill from moving forward.

These types of motions are not unheard of. We've been given quite a lot of time. Previously, all that was given to clause-by-clause was 15 hours. I recall that only a few weeks were given at that time as well.

I just want to remind you, to refresh your memory on that notion.

I understand that you want to see the chief electoral officer of Ontario. As the chair has pointed out, the chief electoral officer is finally available, so we're all really excited to have the chief electoral officer here. We're not trying to withhold the knowledge and wisdom that he would bring in order to pass this legislation with appropriate amendments that might be needed. We're looking forward to that.

I hope that maybe we can vote on your amendment. Regardless of how the vote goes, we would still be seeing the chief electoral officer on Tuesday. We all look forward to that testimony. We all look forward for us to move forward to clause-by-clause, see this legislation through and give it the scrutiny that it deserves.

● (1220)

Mr. John Nater: *Thank you, Ms. Sahota. I appreciate the* commentary.

I do appreciate something more generally, Chair, and to the committee. I do think that this committee has operated very well. I think it will continue to do so, notwithstanding my extensive comments on the matter at hand.

I want to go back to the motion and to the amendment. My amendment does, no question, take out the drop-dead date of clause-by-clause of October 16, the date that we are to report back to the House. I appreciate very much the leniency provided to the chair through the motion that he may limit. I think that's something we are generally okay with.

There are going to be clauses that we are going to agree to and that we are all going to agree to, and they can be dealt with very quickly. I hope that we will come to an understanding informally. The term is gentlemen's agreement. I don't know if there's another way to say that, that's not....

Mr. David de Burgh Graham: It's a handshake agreement.

Mr. John Nater: It's a handshake agreement.

I hope that we can get to the point where there is a handshake agreement for certain clauses as they come up that we do away with....

Mr. David de Burgh Graham: We still have to schedule clause-by-clause. I'm still waiting for the results of that.

Your handshake isn't worth that much right now.

Mr. John Nater: I'm hoping we can get to a point where we can establish that as we go through.

Mr. David de Burgh Graham: I'm sure you are.

Mr. John Nater: No one wants to be here until three in the morning, whether it's doing clause-by-clause or whether it's hearing me pontificate or hearing the—

Mr. David de Burgh Graham: Hey, he admits it.

Mr. John Nater: Well, I have a lot to say sometimes.

Mrs. Stephanie Kusie: What about a wet handshake?

Mr. John Nater: A wet handshake agreement? I'm not sure I've heard that phrase.

Ms. Ruby Sahota: Where you spit on your hand and...?

Mrs. Stephanie Kusie: No, no, no. When you wash your hands and you're embarrassed to shake, but you have to shake.

Mr. Scott Reid: It would be a good motion. It may be appropriate to go in camera at this point.

Mrs. Stephanie Kusie: No. It's like I have to shake their hand, but I just washed my hands, and I'm so embarrassed. That happens to me.

Mr. Scott Reid: You know, if you were just in the washroom and it's not a wet handshake, that's even more alarming.

Mrs. Stephanie Kusie: That's true.

Mr. John Nater: I blush very easily.

Mr. David Christopherson: *Well, you wouldn't have liked the* last Parliament.

Mr. John Nater: Thank you.

Mrs. Stephanie Kusie: If you see me in the entrance of the bathroom going like this, you know what I'm doing. I'm trying to dry my hands.

Mr. David de Burgh Graham: They have paper towels and those air things.

Mrs. Stephanie Kusie: That's right.

Mr. Scott Reid: Those things aren't very good. The new ones from Dyson are great, but they don't have those here.

Mr. John Nater: I think that when we start is very much an element of where we go behind the scenes. Certainly, we hope that perhaps by the conclusion of today's meeting we could have that clarity going forward. We may be able at that point to agree to the motion as written.

We'll put our cards on the table. If the discussions elsewhere go well, and if we can have some clarity, some definitive word from those elements who aren't in this room, I think we could very much go with what's written on this piece of paper, with the original motion. Provided that we hear from the CEO for Ontario on Tuesday, I see no reason why we wouldn't be able to, if there is clarity provided from those who are not in this room right now.

I look forward to hearing that. I haven't seen anyone rushing in with a sealed envelope, from upstairs or elsewhere, providing that certainty. I'll keep my eye on the door as we go through. Going on this motion from an opposition standpoint, at this point we are not comfortable with all of the provisions of the bill as they stand. I would like to see us—

● (1225)

Mr. David de Burgh Graham: Take it up with clause-by-clause. Let's get to clause-by-clause.

Mr. John Nater: We are not willing to do that if it's simply going to be an element of where all clauses presented by the New Democratic Party or the Conservative Party are dealt with out of hand without appropriate discussion or debate.

I would love to be able to conclude my comments and simply go to a vote on this with some reassurance from our friends upstairs, but that's simply not advisable at this point in time. We're not ready to get to that point yet, not until we've fully discussed the important motion that is before us as we speak.

Perhaps I should ask for clarity from the chair or the clerk. In terms of parties not represented on the committee, they are entitled to submit amendments. I believe some have been submitted. Under a guillotine motion such as this, where each party is provided five minutes per clause, are those parties that are represented in the House of Commons but do not have official party status or representatives on this committee permitted to participate in that five minutes? Perhaps I could have some clarity from the chair.

The Chair: The question is, do the parties that are not represented use five minutes?

The Clerk of the Committee (Mr. Andrew Lauzon): For the members of Parliament who don't belong to recognized parties, for amendments they've submitted, during clause-by-clause they would be given a short period of time at the discretion of the chair to present their amendments, but for the amendments presented by members belonging to a recognized caucus, they would not be able to participate in the debate, necessarily.

The Chair: Unless they get unanimous consent from the committee.

Mr. John Nater: That's an interesting element of this as well. I guess that goes with the territory of not having party status, but at the same time, they are permitted to introduce their amendments, which is the right of any parliamentarian within this place. I do appreciate that.

Chair, I know there are other people on the speaking list. I would like to take a brief pause from my comments and allow others to speak. Something may yet come to my mind, so I wouldn't mind being put back on the speaking list in case.

The Chair: Okay. Mr. Bittle is next.

Stop eating.

Mr. Chris Bittle: I can't eat. There are no forks left.

Some hon. members: Oh, oh!

Mr. Scott Reid: I just want to observe that there was never a fork shortage in the 41st Parliament. We had a stable Conservative majority government.

Mr. Chris Bittle: It's belt tightening.

I'd like to thank Mr. Nater for his comments. I enjoyed his criticisms of meetings that he wasn't in attendance for and, again, it's ragging the puck, delaying it further and, again, here we are. We're an hour and a half into this with a promise that time would be set to start the next debate.

● (1230)

Mr. David de Burgh Graham: It was two days ago.

Mr. Chris Bittle: It was two days ago. There was a promise that we would hear from the minister and there was an agreement. A request was made by the opposition to hear from the minister as we start clause-by-clause. We're hearing from the minister this afternoon and we still don't have a date to start that.

They delayed the debate on wanting to hear from the CEO and explaining how great it would be to hear from the CEO for the province of Ontario. We want to hear from CEO from the province of Ontario.

We've been accommodating, but it's time to move on. As the CEO for Elections Canada said, this is a good bill. It's not a perfect bill, but we need to see the amendments. We need to get it forward and we need to get this done. Again, I call upon the Conservatives to stop this filibuster, and let's get going on this. The Canadian people expect us to debate this and to go to clause-by-clause and get this done.

Thank you.

The Chair: So that people know who's on the speaking list, it's Ms. Sahota, Mr. Reid, Mr. Nater and Mr. Christopherson.

Ms. Sahota.

Ms. Ruby Sahota: Thank you.

As I was saying yesterday, and going off what Chris is saying, our —I guess I shouldn't speak for everybody—my patience is starting to run a little thin. We keep hearing that yes, we're going to get to it, we're going to get to it, but we don't want to make any promises. I just don't understand what the holdup is about anymore.

We've pretty much created a large chunk of this legislation through the recommendations that were given to us by the Chief Electoral Officer. He had made, I believe, 130 recommendations and many of those, which are on ways to improve the functions of our democracy, are in this bill.

As my colleague Chris just pointed out, it may not be perfect, but the Chief Electoral Officer highly supports this bill. It's a non-partisan position. We had Elizabeth May in before committee. She's very supportive and wants to see this bill go forward. At the last committee meeting we had Nathan Cullen. We've heard from Mr. Christopherson before as well that he's kind of anxious and he's starting to wonder what's going on here as well and why we can't move forward with this. It seems awfully odd that we're not just plowing through. That may not be our style, but I feel as though we're being driven to a point where there's no reasonable explanations for delaying anymore.

We've heard from so many witnesses. We have accommodated with the chief electoral officer for Ontario. We're having the minister back on this issue. I find it hard to understand anymore why you require so much leeway, especially when I think Scott Reid likes to have it referred to as the so-called Fair Elections Act.

Mr. Scott Reid: That's right.

Ms. Ruby Sahota: When that was passed, there was no such leeway given, and there was a lot of opposition in Parliament to the so-called Fair Elections Act.

However, we've seen a very similar motion brought forward, with a start and end date, which seems to be problematic to the Conservatives for some odd reason. We're doing exactly what you would expect us to do, because this is how you used to function.

At this point, we haven't even been as... We've given so much. We've given so much time. We've had every witness. I think you guys had a list of 200-some witnesses you wanted to bring forward, and we said go ahead. We said yes to every single witness. There were 50 witnesses who were available. Some had a lot of relevant testimony to share; some were maybe not so relevant.

It almost seems like we're going down this road where you want to hear from any person who has ever run in an election in their lifetime, because they may or may not, as Mr. Nater said, make one relevant point. That's just not how a committee can effectively function.

We can't function this way. We've been going in circles. This is the third time I think that we've been going in circles with this piece of legislation, and I am getting very dizzy. These are just delay tactics.

There may be other negotiations going on, as Mr. Nater keeps pointing out, but it will be interesting to see. All of the things that Mr. Nater keeps saying are of top interest to him may not even be what ends up coming out of the negotiation.

It leads me to further believe that these are all delay tactics and there's not a genuine desire to even hear from the chief electoral officer of Ontario, or a real genuine desire for any of the debate we're having right now. It's just a method of being able to get something else that may be of interest to the Conservatives.

That's fine. I mean, we are willing to play ball, but it seems like with that handshake agreement we made, there's no follow-through happening on the other side. It's about time that we get serious. We've been put here by our constituents to do work, not to filibuster and talk about irrelevancies.

I think we give a lot of leeway on this committee. What you may find relevant is not necessarily what I find relevant, but we've been giving that leeway so that you can hopefully get to that place where we can move forward in doing the good work that we've been elected to do.

There are a lot of amendments that you guys have brought forward. From what I've heard, I'm looking forward to seeing all of them. Some of them are quite good. I commend you for that. I commend everyone in all parties for bringing forward those amendments, but I think those amendments deserve some attention and time. We can only do that if you give us a start date, and so far we're having a problem even getting that, let alone an end date.

What is the holdup? Why do you find it so difficult to start the study, to start the examination of the legislation? Why is that so difficult? I can't understand that.

I know there are many tools that you also have in your tool box, and the delay that's being done up front could also be done later on down the road. That's not a choice that I guess you guys have made. It is just beyond me why we can't actually start.

You guys have a lot of good amendments. A lot of them are yours. Let's start talking about them. Maybe there are some changes that can be made, but you're not even allowing the good work that you've done to see the light of day and to have it discussed.

I know that Mr Christopherson is eager—the NDP is eager—for more people to have the ability to vote in this next election. A lot of people were disenfranchised by the so-called Fair Elections Act, and we want to allow those people to vote in this election. What's very concerning is that we've heard from the Chief Electoral Officer that the longer this takes, the harder that gets.

● (1235)

Maybe that's the Conservatives' motive. Maybe you don't want to see everyone able to vote. Maybe you don't want people in remote communities, which is astonishing because I know that a lot of your MPs come from rural and remote areas where access to polls is difficult.

There are a lot of good things in this bill that will enable many people to participate in the democratic process. A lot of the rhetoric I've been hearing now and even in June has been about the protection of our democracy: "This is why we're filibustering and this is why we're holding things up because we are the protectors of our democracy. We are not going to allow this legislation to be pushed through because that's how democracy will be protected." Meanwhile, this very piece of legislation is what will allow us to protect our democracy. It's very ironic. It seems as if the Conservatives are speaking out of both sides of their mouths when we talk about protecting democracy.

We thought the Chief Electoral Officer endorsed this piece of legislation. Previously, in the so-called Fair Elections Act, Bill C-23, the Chief Electoral Officer said that he certainly cannot endorse a bill that disenfranchises electors, cannot.

Mr. David Christopherson: They didn't even consult him.

Ms. Ruby Sahota: We've had him here so many times. I believe the Chief Electoral Officer just came before this committee for the fourth time since the bill has been presented. It's unbelievable to me that we're still sitting here talking in circles when you would have never given that leeway when you were in government.

[*Translation*]

Ms. Linda Lapointe: We're too nice.

[*English*]

Ms. Ruby Sahota: Yes, we are too kind.

Maybe that kindness should come to an end. It's hard for me to say that but even Mr. Christopherson upholds and respects Parliament to the utmost, I believe, that Parliament should be supreme and Parliament should dictate what happens, even on getting invitations from that side.

Enough is enough now, and we need to call an end to this because do you know who suffers if we do not get this legislation passed? It's Canadians. That's who are going to lose out at the end of the day if we don't get going on this. Do you want to be responsible for allowing Canadians to not have access to the polls?

I guess they didn't care previously and so they don't care anymore.

● (1240)

Mr. David Christopherson: No, they didn't.

Ms. Ruby Sahota: It's about time that you look deep down and within yourselves and start caring about that. We need to make sure that the disabled, those who have challenges in presenting the type of IDs that are required and many other things that are in this piece of legislation, get an opportunity to elect their representatives just as every other Canadian does.

I know that people have probably heard the phrase, a Canadian is a Canadian is a Canadian. I do think that it's really important to make sure that all Canadians feel that way and they feel that no matter their socio-economic background, no matter where they were born or where they came from, if they are Canadian that they would get equal representation, that they would have equal access to the democratic process.

That is what we are taking away from them or we're continuing to allow to be taken away from them if we don't make some changes as soon as possible.

This is my last-ditch effort to appeal to the sensibilities on the other side, to start the study on this piece of legislation so we can get it back to the House.

Mr. David de Burgh Graham: If they're ready for a vote.

Ms. Ruby Sahota: They should be ready for a vote. We should vote on the amendments. We should vote on the main motion. Honestly, we're already at this point with the amendments; it seems a little ridiculous considering the chief electoral officer of Ontario will be appearing on Tuesday regardless.

I'd like to vote on the amendment. I'd like to even see John Nater call off the amendment because what's the point? We've all agreed already to see the chief electoral officer. Let's just get on with it. Let's vote.

What natural step would we have right after that anyway? It would be to get on with the legislation and start clause-by-clause.

Mr. David de Burgh Graham: That's what they're afraid of.

Ms. Ruby Sahota: There's no need to be afraid.

Mr. David Christopherson: Chair, it's been a while since I've used a point of order. How do I access a Simms protocol? Do I ask Scott if I can talk? Is that how that works?

Ms. Ruby Sahota: Who's next on the list?

The Chair: Mr. Reid.

Mr. Scott Reid: I'll be happy to cede my place to Mr. Christopherson and go on the list after him. That's not Simms protocol, that's—

Mr. David Christopherson: That would be a Scott courtesy, a Reid courtesy.

Mr. Scott Simms: The protocol was that if you had a point of clarification or if you had a question on something that was said, you ask the permission of the person who has the floor. They cede the floor to you for a reasonable amount of time and then it goes back to the person who had the floor.

Mr. David Christopherson: Then can I—

The Chair: You're switching with Mr. Reid.

Mr. David Christopherson: I'll say yes to that. I'd still like a quick question under the protocol.

Ms. Ruby Sahota: Sure.

Mr. David Christopherson: On the official opposition side, we have a mixture of members who were here last time and who are feeling somewhat sheepish about what was done with the unfair elections act. We have new members who don't have direct blood on their hands as a result of the last Parliament and are doing their very best to try to get over with the angels on the side of democracy. It seems to me, and I would seek your opinion, that as long as these new members, who I have great respect for, continue down this road of delay for no other reason than delay, they run the risk of being lumped in with those who have to carry the baggage of C-23. The political reality is they have this opportunity to draw a line in the sand and say, "That was them. That's not me. That's not what I believe in. My view of democracy is very different from that of C-23, and I'm going to use this opportunity with my vote, my decision and my interjections to make it clear that, while I respect my colleagues, I completely disagree. I accept that we need to take some of this ugliness out of there and get back to making our democracy and our process more democratic."

Would you agree, Ms. Sahota, that some of our colleagues are maybe running that risk of losing that opportunity and that they may, if they don't play this right, end up having to carry C-23 on their back for the rest of their career when they do have this opportunity to make that line of demarcation? What are your thoughts on that?

● (1245)

Ms. Ruby Sahota: Thank you for that question, Mr. Christopherson. I really appreciate that.

I have been thinking a lot about that because we pointed out last time that Mr. Reid and Blake Richards were on that committee. That's not to say they're not wonderful members and have not been working with this new committee for quite some time as well, but we have new members. We have Mr. John Nater and we have Ms. Kusie, who is the shadow minister. Is that what it's called?

Mrs. Stephanie Kusie: I've heard both shadow minister and shadow cabinet minister.

Ms. Ruby Sahota: She does not seem to be all that mysterious. She came in, and after her victory speech, when being elected as vice-chair, she spoke quite clearly about her work as a bureaucrat, as a non-partisan for so many years, being able to get work done, and being able to do so in some not-so-friendly climates, in many places in the world where democracy is still struggling. It seems to me that democracy still struggles here a little bit, too, as we can see right now, but we're trying our best. When we have unjustifiable delays like this, and I would say that in this case they are definitely becoming unjustifiable, then I think they will be wearing it. They will be.

That fresh new attitude that I thought the new members were going to bring, they may not be living up to those expectations. Now some are newer than others, so I still have some hope that we're going to see a change, a willingness to co-operate when it comes to this piece of legislation. As I've said before, we've had 56 witnesses just on this piece of legislation. About 200 were put on witness lists, mostly from the Conservatives. Having called so many witnesses before this committee, it's interesting that when we had those witnesses here, they really did not show a desire to ask the hard-hitting questions. This leads me to think that perhaps there wasn't a serious intention behind calling all those witnesses to committee.

I would say, having seen that type of behaviour, that it's not a genuine use of this committee's time. We're wasting valuable resources. All the people who have to be here and the wonderful food that's provided to us, meeting after meeting, that all adds up.

Yes, Mr. Christopherson, I don't think we need to give the new members too much more time to prove themselves, to show that they're coming with a new attitude and a new spirit.

Mr. David Christopherson: Walk the walk.

Ms. Ruby Sahota: Yes. We want to see some action, and now is the time. I'm really hoping we can move forward with a start date for clause-by-clause today. We need to have something today. We should have been moving forward with this piece of legislation on Tuesday. Enough is enough. The minister will be appearing.

Quite honestly, I'm starting to think we shouldn't have any of that if we're not willing to move on with this piece of legislation. We have no stones left to turn over. I'm sure you'll find some, but I would request that you make sure we're not making a mockery out of the whole process and that it is coming from a place of genuine interest and concern. I've seen from the previous witnesses—and I think this is what Chris was alluding to—that at times it seemed like we were making a little bit of a mockery of this place.

As a new member of Parliament, you quickly start learning what this place is all about, and I do feel that we waste a lot of time up here. We do. There is a lot of learning that happens here. I think it's the most wonderful position, and I'm very fortunate to have it. I learned from the people who have been here longer than me, from various other resources that were provided and from the witnesses who come forward. I'd never have gained so much knowledge without this opportunity, but enough is enough. There's gaining knowledge and there's doing the work required of you as a parliamentarian, but there's also the disguise of doing good work while actually playing partisan games. I think right now we are in that territory, we're pretending not to stall, but all we're really doing is stalling for the sake of stalling.

Thank you.

Mr. David Christopherson: Hear, hear!

● (1250)

The Chair: Thank you.

Okay, next is Mr. Christopherson. You'll remember that in June we agreed the minister would come to start clause-by-clause, so we only have 10 minutes to sort things out. You're up.

Mr. David Christopherson: Do you know what? My intervention basically allowed me to express myself. I don't want to slow it down any more than I need to in terms of the time I take. My position has been very clear, publicly and privately, to ministers, government members and opposition members. The entire world knows—anybody who cares—where the NDP, and me in particular as a member of this committee, are on this business.

I made it very clear from the outset of the Parliament. Just to get a little off my chest, I'm a little concerned. The government has to wear a little bit of the fact that we're so late in the day and something this important is still in front of us. I'll signal ahead of time because I don't play games—I'm not smart enough.

The minister is coming in and what I want to hear from the minister is that iron-clad guarantee from the government. I don't want to hear any nonsense about, well, it's up to the House leader. No, this is a government representative. I want to hear crystal clearly that this government is absolutely 100% committed to making sure that no matter what, with their majority government, this bill gets passed and we have an election that's a lot closer to the history and the proud traditions of Canada than the ugliness of C-23.

I've made it clear that I will support the government in getting that ugliness out. I will support them on any new progressive things and improvements they want to make. We will advocate for things that we care about, but at the end of the day the priority is to get a lot of the ugliness out of there. I will make a personal campaign commitment, since I'm going to be freed up, to do everything I can to make sure this country knows, if you fail to get this passed. This is big. We all, when we were on the opposition benches, got up and hollered from the rooftops that this is wrong. We had major reforms to our electoral process and the government of the day didn't even consult the Chief Electoral Officer.

I find it a bit rich when the current crop of official opposition members are slowing things down—why?—because they insist on hearing from a provincial chief electoral officer. That is rich. I understand the importance of that. I get that. I made it clear to the government members and people like Scott Reid who I have the utmost respect for, one of the people I respect the most in this entire Parliament, that my goal was not to drag them through the last election and the last Parliament.

However, there is a limit. When Mr. Reid or anybody else on the official opposition side get up on their hind legs and try to use the rhetoric of democracy and caring about voting as an excuse to slow down this process, which is meant to clean up that mess and that ugliness, I've reached my limit.

Very soon, it will be time for the official opposition to give themselves a serious shake and decide where they want to be on democracy. Do they really want to carry over the tradition and the reputation of the last Parliament? That's where they're heading. Or do they want to be able to put that behind them and maybe even say they were wrong and now see it differently? That's fine. We all understand politics, and those of us who want to get that through will let you get away with that.

What I am not going to do is sit here and quietly let the government continue to mishandle the timing and the process of this and so many democratic files. I have to say, you've been an absolute abysmal disappointment on this whole file. It's very disappointing with the promise that came in, and so many of you were so keen to do the right thing, and I know you were legitimate. We talked about these things in the beginning, and here we are a year out from the next election and one of the government's weakest files is on democratic reform.

The government has its share of responsibility for the mess we're in, trying to get this through in the dying months of this Parliament. Having said that, if the official opposition continues to do nothing but try to slow this down, to preserve the vote suppressing and anti-democratic clauses that were in C-23, then they are far more guilty than the government.

● (1255)

At some point very soon, we all need to live up to our rhetoric. There's a lot of it around this table in terms of the holy grail of democracy, a lot of rhetoric and a lot of talk, but not a lot of action. Canadians expect this to be cleaned up for the next election. Things need to move more quickly here, so I am going to be calling on the government. If you have to use the heavyweight power of going to the House, then do it, but I say this as officially as I can and on a personal basis as a parliamentarian: Please do not, under any circumstance, allow this Parliament to expire without fixing our election system. It's broken.

We do a disservice to our international reputation. Many of you know that I do some democracy-building work internationally, and I am so proud to be able to be a Canadian, where we have one of the finest, most mature, fair democracies in the world. Bill C-23 hurt that. It damaged it and stained that. This is an opportunity to fix it, but it can't be missed.

I don't intend to have a lot of interventions along the way. There are progressive things that I want, but I am not going to hold up this process to fight for those. At the end of the day, I support the bill that the government has put forward. I do believe their heart is in the right place. I just wish they'd get their brain engaged and move the bill more properly through. It's shameful that something this important is still sitting here undone.

I just want to tie into Ruby's comments, and I truly will close with this. Most of the time, we do try to work together, and I enjoy this committee and the members who are on it. After you've been around long enough, yelling at the government and getting a headline loses its thrill. What's far more thrilling is to take all of us who are fighting in different corners and find a way in which we can come together. After a while, you find that this is really valuable and it gives you such fulfillment.

Carrot and stick, let's work together. We're all saying we want to make democracy better, so let's all try to work together. We're not doing that at this moment to get this through. That's the carrot. The stick is that, if this doesn't happen, there's going to be holy hell to pay and both the government and the official opposition are going to be held to account, not that we're all that pure but we don't have enough power to have an influence on this. I don't pretend we do, but I do have a big voice, a big mouth, and another year to go, and I'd much rather be using that to compliment the government and compliment the official opposition, especially new members such as Mr. Nater who I respect, who I think will be an excellent parliamentarian. I hope he's around for a long time. I want to be able to continue to say those things and say, "You know what? We were in the ditch, but we got out."

I want to give you that credit. Conversely, if that credit is not deserved, I'm not that far from Sarnia. I can go visit that riding and I'll tell them what you did. I'll tell them the difference between your rhetoric and how you voted. I would much rather continue to say, "Mr. Nater is an example of how I feel good about the Canadian Parliament", even though you're not of my party, as I step aside off the public stage.

I want to say that. I truly do, sir, but give me a reason. Don't continue playing this game. The time has come to stop and it's time to start acting like grown-ups.

Thank you, Chair.

● (1300)

Ms. Ruby Sahota: Do you want him to go to the wrong place? You'd better correct your riding there.

Mr. David Christopherson: Oh, sorry, you're even closer.

Mr. John Nater: I would welcome you for a cup of coffee.

Mr. David Christopherson: My apologies for the riding mix-up.

Mr. David de Burgh Graham: Can we get this to the vote?

The Chair: There's only one minute left in our scheduled time. I'll leave the last word to Mr. Nater.

Mr. John Nater: Thank you, Chair.

I appreciate the comments from Mr. Christopherson. I do. I appreciate where he comes from.

Very briefly, on his comment about timing, Bill C-33 was introduced in the House on November 24, 2016, almost 24 months ago. The government had time. A four-year mandate is a lot of time in which to move legislation forward. Here we are, literally in the last 12 months, or even less, because when we adjourn at the end of June, we are done until the election. We are literally in the last eight to 10 months of sitting, and we are dealing with a substantial piece of legislation.

That's unfortunate. It's a big bill. It has things we will support, and it has challenges we won't support. They are hills that we don't need to die on. We recognize that. We recognize that this is a bill that the government has introduced and that you have the numbers to go forward with it.

Mr. Chair, I will leave my comments there for now. I don't know what the protocol is, but I'll leave it to your good graces.

Mr. David Christopherson: On a point of order, Chair, this is for you or the clerk.

When we meet later this afternoon with the minister, by unanimous consent, could we still put this motion in front of us and pass it today?

Mr. David de Burgh Graham: Yes, we'll get it done.

The Chair: Yes. The minister is supposed to begin the clause-by-clause. That was the agreement.

Mr. Scott Reid: The way that was just described wouldn't get my consent. It was, "Can we agree to meet and discuss this motion and pass it today". The last part of that is obviously problematic, "and pass it today".

Mr. David de Burgh Graham: We could take it to a vote. How about that?

Mr. Scott Reid: We're in the midst of discussing another motion, so we actually can't bring that to a vote. There is no objection to returning to the subject matter, but we're not agreeing to what amounts to—

The Chair: —passing it now.

Mr. Scott Reid: That's right.

Mr. John Nater: We adjourn the debate, and bring it back immediately following the minister. Is that...?

Mr. David Christopherson: That's what I would suggest.

Mr. Scott Reid: Procedurally, the simplest thing would be for the chair to simply.... I don't know if you can amend that meeting at this late date, but put out a new notice of an agenda, for a new....

Mr. David Christopherson: Yes. We can have a separate, stand-alone meeting, constituting the meeting and date. That's what I was seeking to do. I knew we could. I just wasn't sure about the mechanics. Unanimously, we can do just about anything except change the Constitution.

Mr. Scott Reid: And even that....

Mr. David Christopherson: That does require unanimity now.

The Chair: We'll adjourn now, and carry on the discussion when we get back at 3:30 p.m.

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